IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5189 OF 2005

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	: Court's or Judge's Orders

Mr.Kishore Jain with Tushar Goradia and Anil Sampat for Petitioners.

None for Respondent No.1.

Mr.C.R.Sonawane, A.G.P. for Respondent Nos.2 and 3.

CORAM: H.L.GOKHALE &
J.H.BHATIA, JJ.
DATE : 11th July, 2006.

P.C.:

1. Heard Mr.Jain in support of this Petition. Mr.Sonawane, A.G.P. appears for the Respondent Nos.2 and 3.

2. The Petitioners claim to be the owners of land forming Survey No.151/6 and 149/12 (part) of Village-Kausa. Their case is that their lands have been taken over by

the National Highway Authority but have not been compensated. They came to know that the owners of the property adjoining to theirs who own the land bearing Survey No.151, Hissa 4 (part) of Village-Kausa were awarded Rs.725 square metre after an understanding was reached between them and the State Government in High Court Writ Petition No.2495 of 2003 and the order was passed on 29-9-03 by a Single Judge of this Court in terms of the Minutes in view of the Compromise Agreement between the Parties.

2. The Petitioners are praying for similar treatment. Mr.Sonawane, A.G.P. appearing for the Respondents states that the decision be permitted to be taken by the concerned officer, namely, by the Executive Engineer, Road Development Division No.III, Panvel. We accept his request. The officer concerned will ascertain whether the land owned by the Petitioners is adjoining as claimed by

them and in which case, he will enter into similar agreement to give same rate. The Petitioners, will ofcourse, be entitled to interest inasmuch as they are representing from January, 2004. So, they will be given component interest from January, 2004 over and above this rate of Rs.725 per square meter on the basis of same yardstick with interest at the rate of 6%.

3. The Petition is allowed in above terms. The Petitioners will make representation and the Respondents will take decision thereon within 8 weeks therefrom.

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(H.L.GOKHALE,J.)

(J.H.BHATIA,J.)